

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the outstanding grounds of rejection is respectfully requested in light of the above amendments and the remarks that follow.

The Examiner has rejected claims 22, 23, 25, 27, 28 and 31 under 35 U.S.C. § 102(b) as anticipated by Minh (US 5,788,788).

The Examiner relies upon Figure 2 of the reference for its disclosure of an anode 74 and a cathode 82, the anode 74 formed with a non-exposed flat side and a grooved exposed side, the grooves 78 extending only partially through the thickness of the anode.

By this Amendment, applicant has amended independent claim 22 to require that the exposed side of the anode or cathode be flat except for a plurality of discrete, round surface depressions formed therein, extending only partially into a thickness of the anode or cathode.

Since Minh does not disclose a plurality of discrete, round surface depressions as now required by claim 22, the anticipation rejection of claim 22 as well as claims 23, 25, 27, 28 and 31 has been overcome.

The Examiner has rejected claims 24, 26, 29 and 30 under 35 U.S.C. § 103 as unpatentable over Minh in view of Satake (US 5,480,737). The Examiner notes the disclosure in Satake of dimple shaped depressions on upper and lower surfaces of power generation layers 11a and 11b of a fuel cell.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify Minh to incorporate round surface depressions rather than elongated grooves 78.

It is respectfully submitted that it would not have been obvious to combine the references as proposed by the Examiner. Note in this regard that the grooves 78 in Minh are gas flow pattern channels. The present invention, on the other hand, utilizes the round surface depressions

so as to provide increased flatness during fabrication as well as enhanced fuel utilization during operation. Modifying the elongated grooves 78 in Minh, that extend from one side of the device to the other, to include depressions as formed in Satake would clearly interfere with the channels 86 in the underlying layer 80 in a manner apparently at odds with the reference disclosure.

Further in this regard, even if it is considered proper to combine the references, one of ordinary skill in the art would not have modified Minh to only include partial surface depressions on the exposed side. Rather, as is readily apparent from Figures 2 and 3 of Satake, every depression on an exposed side of the anode or cathode directly results in a projection on the opposite side thereof, i.e., Satake forms the depressions by creating projections on the opposite side of the layer. Moreover, it is readily apparent that each depression/projection in Satake has a depth that exceeds the thickness of the piece itself.

It is further noted in this regard that a modification of Minh to incorporate the round depressions of Satake would not produce the claimed invention which now requires that the exposed side also be flat except for the plurality of discrete, round surface depressions formed therein. In other words, projections in the exposed side are precluded by amended claim 22.

For the above reasons, it is respectfully submitted that no combination of Minh and Satake is sufficient to establish prima facie obviousness with respect to independent claim 22 and any of claims 26, 29 and 30.

Entry of the Amendment is fully justified in that new grounds of rejection were applied by the Examiner in the final rejection, and applicant has just now had the opportunity to respond to those new grounds of rejection. Moreover, the Amendment places the application in condition for immediate allowance and therefore, entry of the Amendment is fully consistent with 37 C.F.R. § 116(b).

Early passage to issue is respectfully requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

A handwritten signature in black ink, appearing to read "Michael J. Keenan", is written over a horizontal line.

Michael J. Keenan

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